

P30123.A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Klaus ENDRES et al.

Confirmation No. 6063

Group Art Unit: 1794

Serial No. :10/585,099

Examiner: Katz, Vera

I.A. Filed : January 4, 2005

For : METALLIC SUBSTRATES COMPRISING A DEFORMABLE GLASS-TYPE
COATING

ELECTION WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is in response to the requirement for restriction under 35 U.S.C. § 121 and 372 mailed from the U.S. Patent and Trademark Office on June 10, 2009. Inasmuch as the one-month shortened statutory period for reply is set in the Office Action to expire on July 10, 2009, this response is being filed by the initial due date for response. However, if any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. 121 and 372 to one of the following inventions:

- I Claims 11-29, drawn to a metallic substrate having a deformable vitreous coating.

- II Claims 30-43, drawn to a process for making a metallic substrate, having a deformable vitreous coating.

ELECTION

In order to be responsive to the requirement for restriction, Applicants elect, with traverse, the invention set forth in **claims 30-43** (the invention of **Group II** as identified in the Restriction Requirement).

TRAVERSE

Applicants respectfully submit that a restriction requirement is inappropriate in this case. Even if one were to assume, *arguendo*, that the inventions of Groups I and II are distinct, the requirement for restriction should be withdrawn because there is no serious burden.

In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. § 121. Section 803 states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

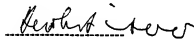
P30123.A02

Applicants note that the inventions of Group I and Group II identified in the Restriction Requirement both relate generally to a metallic substrate having a deformable vitreous coating. Accordingly, as a practical matter, the searches for inventions I and II should significantly overlap, if not be substantially coextensive. For example, a search for the invention of Group II should cover many of the areas that are also relevant for the invention of Group I. Thus, the search burden would not be serious.

For the above reasons alone, the Restriction Requirement should be withdrawn, which action is respectfully requested.

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
Klaus ENDRES et al.



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July 8, 2009
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